REMARKS

Claims 1-24 are pending in this application. Claims 1-24 have been rejected under 35 USC §103 as being unpatentable over Farris et al (U.S. Patent No. 6,574,216). Claims 1-24 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

Claims Rejections - 35 USC § 103

Claim 1 recites a module, located within a digital signal processor, for establishing a network connection for the transmission of data packets and for determining the quality of service of the network connection. To determine the quality of service, the module in claim 1 determines the round trip time (RTT) of a data packet through the network connection and determines at least one performance parameter using the same processor that encodes voice signals into data packets. Claims 7, 13 and 19 recite similar limitations. This is described in the specification on pages 6 and 7.

The Examiner alleges that Farris's Internet Module 92 discloses the recited module for establishing a network connection for the transmission of data packets and determining the quality of service of the network connection. The Examiner, further, alleges that the Quality Test Application 122 within the Internet Module 92 performs a plurality of repetitive tests to determine performance parameters, and thus determines the quality of service of the connection. However, Farris does not disclose the determining of the performance parameters using the same processor used for encoding the voice signals into data packets. Conversely, Farris converts the voice signals into data packets in a separate Compression/Decompression module 132.

The module recited in claim 1 determines the performance parameter and encodes the voice signals using the same processor. This allows more accurate measurement of the time variances between packets and allows detection of silence, redundancy and interruptions of packet transmissions.
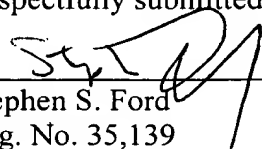
The Examiner alleges that Farris discloses "an obvious functional equivalent" in determining the performance parameters. However, Farris only discloses determining the performance parameters when there is silence between packet transmissions. Farris, column 10, lines 48-58. The performance parameters and the quality of service that Farris determines are not as accurate as those in the recited claim because the performance parameters in Farris are not determined using the same digital signal processing stage and thus can not take into account redundancy and interruption factor as specified in claims 5, 11, 17, and 23.

Therefore, it would not be obvious to a person of ordinary skill in the art to determine the performance parameter in the digital signal processing stage because of the increased accuracy of the performance parameter measurements and thus the quality of service determination that it enables.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-24 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

Stephen S. Ford
Reg. No. 35,139

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MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613
Customer No. 20575